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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/19/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,649

Applicant(s)

STURGEON ET AL.

Examiner

Michael P Nghiem

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9,11-14,22,24-28,30-40,42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,9,11-14,22,24,25 and 32-36 is/are allowed.
- 6) ☒ Claim(s) 37-40,42 and 43 is/are rejected.
- 7) ☒ Claim(s) 26-28,30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Amendment filed on July 22, 2003 has been acknowledged.

Withdrawal of Allowability

1. The indicated allowability of claims 37, 40, and 42 are withdrawn in view of reference(s) to Walters (US 4,853,708). Rejections based on the newly cited reference(s) follow.

Claim Objections

2. Claims 26-28, 30, 31, 42, and 43 are objected to because of the following informalities:

- claims 26-28, 30, and 31, "claim 33" (line 2) should be – claim 32 --.
- claim 41, "printer component" (line 5) should be – printhead --.
- claim 43, "claim 41" (line 2) should be – claim 42 --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 37-39 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Walters (US 4,853,708).

Walters discloses all the claimed features of the invention including:

- a mechanism (Fig. 4) for establishing compatibility of a printhead (8) with a printer (1) comprising:
 - a printhead mounting portion (120) operably secured to the printer (Fig. 3a);
 - a separate key element (40) detachably secured to said printhead mounting portion (at 171, 174, Figs. 3b), adjacent to said printhead (Fig. 3a);
 - at least one tab (48) extending from the printhead (48 inserted into 51 of 8, Figs. 4, 5), said at least one tab positioned and oriented in a defined and unique tab pattern thereby indicating a required characteristic of the printhead (Figs. 7's);
 - said separate key element having at least one mating slot positioned and aligned to receive said at least one tab (Figs. 4, 7's), thereby allowing the printhead to be operably secured to the printhead mounting portion and preventing similarly shaped

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printheads that have a different tab pattern from being operably secured to the printhead mounting portion (Figs. 7's);

- said printer is an inkjet printer (Fig. 1);
- an on-axis ink reservoir (cavity of 5, column 3, lines 37-40) in fluid communication with said printhead (5 is in communication with 8, Fig. 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters in view of Gasdova et al. (US 6,017,118).

Walters discloses all claimed limitations as discussed above except said separate key element further including a display surface for visually indicating a required characteristic of the printhead.

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Nevertheless, Gasdova et al. discloses a separate key element (keying caps, Abstract, lines 2-4) including a label displaying surface (1288, Fig. 22) for the purpose of indicating the color of ink within the ink cartridge (column 12, lines 36-44).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Walters with a separate key element including a display surface as disclosed by Gasdova et al. for the purpose of indicating the color of ink within the ink cartridge.

Allowable Subject Matter

5. Claims 26-28, 30, and 31 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claims 8, 9, 11-14, 22, 24, 25, and 32-36 are allowed.

Reasons For Allowance

7. The combination as claimed wherein a discrete key element, operably secured to and separable from a mounting portion of a carriage for mating with an on-axis printing component is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

8. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MICHAEL NGHIEM
PRIMARY EXAMINER
Michael Nghiem

August 14, 2003